IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2163 OF 1992

Union Bank of India ... Plaintiffs

V/s

Kaushik Sevantilal Shah & Ors. ... Defendants

Ms. K.V. Panchmatia i/b M/s Gagrat & Co. for plaintiffs

CORAM : A.S. Aguiar, J.

DATED : MARCH 1,2005.

P.C. :-

. Heard learned advocate for pl aintiffs.None appears for defendants. By order dated 27/02/1997 suit transferred to the list of undefended suits against defendants No.1 and 3 as they have not filed their written statements. Since defendant No.2 was not served the writ of summons within the stipulated period, the suit stood automatically dismissed against defendant No.2 for non-prosecution.

Since defendants No.1 and 3 have not filed their written statements there will be decree under Order 8 Rule 10 of Code of Civil Procedure in favour of plaintiffs

against defendants No.1 and 3 in terms of prayers clause (a) and (b).Suit stands disposed of. No order as to costs. Certified copy expedited.

(A.S. Aguiar,J.)